

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4955**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUWANA ANQUANETTE BATES,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Chief District Judge. (CR-89-251-G)

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Submitted: April 15, 2004

Decided: April 20, 2004

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Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Louis C. Allen, III, Federal Public Defender, William C. Ingram, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Douglas Cannon, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Juwana Bates appeals from the order of the district court revoking her supervised release and sentencing her to twenty months imprisonment. Finding no error, we affirm.

Bates claims that the district court erred in considering her violation conduct as a Grade A violation within the context of U.S. Sentencing Guideline Manual, § 7B1.1(a)(1) (1990), and contends it should have been considered a Grade B violation. We review a sentence imposed upon revocation of supervised release for abuse of discretion. United States v. Davis, 53 F.3d 638, 642-43 (4th Cir. 1995).

In this case, the district court was authorized to impose a term of imprisonment upon revocation of up to five years, the original term of supervised release, because her original offense was a Class A felony. See 18 U.S.C.A. § 3583(e)(3) (West 1990) (current version at 18 U.S.C.A. § 3583(e)(3) (West 2000 & Supp. 2003)). Moreover, in a revocation proceeding, the sentencing ranges set forth in the guidelines are purely advisory. See Davis 53 F.3d at 642. Accordingly, regardless of whether Bates' revocation conduct was properly classified as a Grade A or a Grade B violation, the sentence imposed by the district court was not unauthorized.

We affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions

are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED